

States to which he saw any objection; but he conceived that it would give an overwhelming power to Congress to control the election, by the States, of the Senators of the United States. Truly might it so be said if this Convention, by their action, as proposed, did exercise this power, and did thereby, so far as in them lay, concede this power to Congress.

In speaking of this power, in the 60th number of the *Federalist*, Mr. Hamilton rebukes the very design of this proposition in these words:

"But it is alleged that it (this power) might be employed in such a manner as to promote the election of some favorite class of men in exclusion of others, by confining the places of election to particular districts and rendering it impracticable for the citizens at large to partake in the choice. Of all chimerical suppositions, this seems to be the most chimerical."

Now if we, in this Convention, attempt the exercise of this power, we do thereby admit that Congress has the power to make or alter these very regulations.

Mr. BLAKISTONE said—Mr. President, I do not propose to give my opinion on this subject, but I mean to throw out some intimations for the consideration of gentlemen who have argued the question before the Convention, and I would call their attention the phraseology and language of the Constitution of the United States, for the purpose of seeing how it is and why it is they draw a distinction between the power of the Legislature of a State, under the clause of the Constitution which has heretofore been exercised and acquiesced in by the Congress of the United States, to district a State with regard to the election of representatives to the lower branch of Congress, whilst they deny to the Legislature the power to district a State with respect to the other branch of Congress—for the language is precisely the same when applied to the one, that is applied to the other. Sir, I will read the qualification with respect to a member of Congress. I wish gentlemen to note the language and draw the distinction:

"No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen."

That, sir, is a qualification prescribed by the Constitution of the United States for a delegate to Congress. Now, take the language in regard to the qualification of a Senator:

"No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."

Now, sir, the words are *verbatim et literatim*, the same in the one case as the other as prescribed in the Constitution, in relation to qualification, with the exception of five more years of age, and two more years of citizenship being required to fit him for the Senate, than is required to fit him for the House of Representa-

tives. The words are perfectly identical. Now, for the mode of election:

"The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law, make or alter such regulations, except as to the places of choosing Senators."

The same, the very identical language is used in reference to one branch of the National Legislature as is used in reference to the other. The Legislature shall have the same power as regards the time, the place, and the manner in regard to electing members of Congress and Senators. Then, sir, comes in the proviso: "But Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators."

Now, what was the object of this reservation? I presume the reservation was made because the several States were unwilling to vest in Congress the power to fix the places, at which their respective legislatures should assemble. It would have enabled Congress to have fixed the seat of Government of the several States at such places as it might have seen fit, and most inconvenient to the people of the States. It would have given a power to Congress incompatible with State sovereignty. The sovereignty of the State is represented by the Senators. The fifty-ninth article of the *Federalist* to which the honorable gentleman from Anne Arundel, (Mr. Randall,) has referred, and which was written by Mr. Hamilton, instead of sustaining the argument on the other side, will be found admitting the fact, that more power is given to the States in the election of Senators, than in the election of Representatives, and justifying it upon the necessity of the case. It will be observed that in this article, Mr. Hamilton is answering objections urged against the article of the Constitution of the United States, which reserves to Congress the power to make or alter by law the regulations in relation to the times, places and manner of holding elections for Senators and Representatives, which power, except as to the place of choosing Senators, is conferred upon the States. He uses this language: "Its propriety rests upon the evidence of this plain proposition. That every government ought to contain in itself the means of its own preservation." If he had stopped here, it would seem to favor the argument of the gentleman on the other side, but he goes on and argues the propriety of reserving the exclusive power in Congress in reference to the House of Representatives in opposition to the ground taken that as the power was reserved to the States as to the election of Senators, the same power ought to have been reserved as to the election of Representatives. This he declares would be destructive of the General Government. Now mark what follows: "As an objection to this position, it may be remarked, that the Constitution of the *National Senate* would involve, in its full extent, the danger which it is suggested might flow from an exclusive power in the State Legislatures to regulate the Federal elections."